

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

MONTERRIOUS HARRIS,

Plaintiff,

v.

CITY OF MEMPHIS,  
EMMITT MARTIN, III, DESMON MILLS,  
JR., JUSTIN SMITH, DEMETRIUS HALEY,  
TADARRIUS BEAN, and JOHN DOES 1-4,

Defendant.

CIVIL ACTION  
NO. 2:23-cv-02058-JTF-tmp

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**DEFENDANT’S RESPONSE TO PLAINTIFF’S MOTION TO LIFT  
STAY TO CONDUCT DISCOVERY WITH AND CONCERNING  
DEFENDANT, DESMOND MILLS, JR.**

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COMES now the Defendant, Desmond Mills, Jr., (hereinafter “Mills”) by and through counsel of record, Clyde W. Keenan, and responds to Plaintiff’s Motion to Lift Stay to Conduct Discovery with and Concerning Defendant, Desmond Mills, Jr. as follows:

1. On August 28, 2023 this Honorable Court stayed the proceedings against Mills in this cause pending resolution of the criminal proceedings against said Defendant.
2. Contrary to the information contained in Plaintiff’s current Motion to Lift Stay against Defendant, Mills, the State criminal proceedings against Mills are still pending.
3. In light of this information the concerns expressed by the Court in granting its stay of August 28, 2023 are still valid and the granting of the Plaintiff’s Motion would jeopardize the Defendant’s Fifth Amendment rights.

WHEREFORE PREMISES CONSIDERED Defendant, Mills, hereby prays the Court enter an Order denying Plaintiff's Motion to Lift Stay concerning Defendant Mills.

Respectfully submitted,

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s/Clyde W. Keenan

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Clyde W. Keenan, #5370  
KEENAN LAW & CONSULTING  
6465 N. Quail Hollow, #200  
Memphis, TN 38120  
(901) 767-1842

#### **CERTIFICATE OF SERVICE**

I, Clyde W. Keenan, hereby certify that on November 15 I filed a copy of the foregoing with the Court via the Court's ECF system, and that upon filing, a copy will be sent via the Court's ECF system to all registered parties in this case.

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s/Clyde W. Keenan

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Clyde W. Keenan